

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSE F. ROSARIO RODRIGUEZ
MARIA DEL C. GONZALEZ COTTO
DEBTOR(S)

CASE NUMBER: 10-05921 (ESL)

CHAPTER 13 ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.
2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:
 - a. **Joint Debtor lost her job and the income for debtor has lowered and they need to make adjustments to their income and expenses in order to comply with their duties as chapter 13 debtor.**
 3. Debtor (s) amend plan call seven(7) payments of \$480.00, one (1) payment of \$0.00 and fifty two (52) payments of \$230.00 and partial payments for a total of 6,200.00 for a total base of \$21,520.00 dollars with a provision for the arrears to Banco Popular, account ending number-2056.
 4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

JOSE F. ROSARIO RODRIGUEZ
MARIA DEL C. GONZALEZ COTTO
CASE NO.; 10-05921 ESL
Page 2
DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

NOTICE

"Parties in interest are notified they have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should an opposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 21st, day of February 2011.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
USDC PR 214711
P.O. Box 19559
San Juan, PR 00919-5596
Tel. (787) 758-4400
Fax. (787) 763-0144
E-mail valdeslaw@prtc.net

United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 10-05921-13

ROSARIO RODRIGUEZ, JOSE FERNANDO & GONZALEZ COTTO, MARIA DEL C.
Debtor(s)

Chapter 13

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee directly by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION		<input checked="" type="checkbox"/> AMENDED PLAN DATED: <u>2/21/2011</u> Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																			
I. PAYMENT PLAN SCHEDULE <table> <tr><td>\$ 480.00 x</td><td>7 = \$</td><td>3,360.00</td></tr> <tr><td>\$ 0.00 x</td><td>1 = \$</td><td>0.00</td></tr> <tr><td>\$ 230.00 x</td><td>52 = \$</td><td>11,960.00</td></tr> <tr><td>\$ x</td><td>= \$</td><td></td></tr> <tr><td>\$ x</td><td>= \$</td><td></td></tr> <tr><td colspan="2">TOTAL: \$</td><td>15,320.00</td></tr> </table> <p>Additional Payments: \$ 6,200.00 to be paid as a LUMP SUM within 54 months with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows:</p> <p><input type="checkbox"/> Other:</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ x = \$</p> <p>PROPOSED BASE: \$ 21,520.00</p>		\$ 480.00 x	7 = \$	3,360.00	\$ 0.00 x	1 = \$	0.00	\$ 230.00 x	52 = \$	11,960.00	\$ x	= \$		\$ x	= \$		TOTAL: \$		15,320.00	II. DISBURSEMENT SCHEDULE <p>A. ADEQUATE PROTECTION PAYMENTS OR \$</p> <p>B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. BANCO POPULAR D Cr. Cr. # 12056 # # \$ 1,242.62 \$ \$ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. Cr. Cr. # # # \$ \$ \$ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. Cr. Cr. # # # \$ \$ \$ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: 5. <input type="checkbox"/> Other: 6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <p>1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: Cr. Cr. Cr. # # # \$ \$ \$</p> <p>2. Unsecured Claims otherwise receive PRO-RATA disbursements.</p> <p>OTHER PROVISIONS: (Executory contracts: payment of interest to unsecureds, etc.) See Continuation Sheet</p>	
\$ 480.00 x	7 = \$	3,360.00																			
\$ 0.00 x	1 = \$	0.00																			
\$ 230.00 x	52 = \$	11,960.00																			
\$ x	= \$																				
\$ x	= \$																				
TOTAL: \$		15,320.00																			

Signed: */s/ JOSE FERNANDO ROSARIO RODRIGUEZ*
Debtor

/s/ MARIA DEL C. GONZALEZ COTTO
Joint Debtor

Attorney for Debtor *Marilyn Valdes Ortega Law Offices*

Phone: (787) 758-4400

CHAPTER 13 PAYMENT PLAN
Continuation Sheet - Page 1 of 1

FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

ANY POST PETITION TAX REFUNDS THAT MAY PROSPECTIVELY ARISE FROM ANY TAX REFUND FOR THE DURATION OF THE PLAN WILL BE USED TO FUND THE PLAN IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS, AFTER ITS CONFIRMATION.

FIFTY (50) PERCENT OF THE CHRISTMAS THAT DEBTOR MAY PROSPECTIVELY RECEIVE FOR THE DURATION OF THE PLAN WILL BE PAID INTO THE PLAN IN ORDER TO FUND SAME IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS IN THE AMOUNT OF \$1,550.00 FOR THE DURATION OF THE PLAN. FOR A TOTAL OF \$6,200.00 DOLLARS, THE CHRISTMAS BONUS FOR THE YEAR 2010 WAS USED TO SUPPLEMENT LOSS OF INCOME AND MEDICAL CARE OF CO-PETITIONER.

DEBTOR IS CO-DEBTOR WITH POPULAR AUTO ACCOUNT PAID BY THIRD PARTY, DEBTOR CONSENTS TO THE LIFT OF STAY.

ROSARIO RODRIGUEZ JOSE FERNANDO
PMB 336
PO BOX 4960
CAGUAS PR 00726-4960

SEARS
PO BOX 183114
COLUMBUS OH 43218-3114

GONZALEZ COTTO MARIA DEL C
PMB 336
PO BOX 4960
CAGUAS PR 00726-4960

MARILYN VALDES ORTEGA LAW OFFICES
PO BOX 195596
SAN JUAN PR 00919-5596

BANCO POPULAR DE PR
PO BOX 36-6818
SAN JUAN PR 00936-6818

FIA CARD SERVICES
PO BOX 15019
WILMINGTON DE 19886-5019

FIRST BANK
PO BOX 19327
SAN JUAN PR 00910-1427

FIRSTBANK
PO BOX 9146
SAN JUAN PR 00908-0146

INTERNAL REVENUE SERVICE
PO BOX 21126
PHILADELPHIA PA 19114-0326

JC PENNEY
PO BOX 960090
ORLANDO FL 32896-0090

PUERTO RICO TELEPHONE COMPANY
#562 AVE JUAN PONCE DE LEOJN
HATO REY PR 00918